

REMARKS

Initially, applicant would like to thank the Examiner for the helpful and courteous telephonic interview conducted with applicant's undersigned representative on or around 13 July 2005. In such interview, the rejection of claims 1-4, 7, 9, 18, 20, 43 and 45-48 under 35 USC 112, second paragraph, presented in the Office Action of 01 June 2005 was discussed. Although no specific agreement was reached, the Examiner stated that if the term "high polymer organic substance" were further defined as encompassing a list of the substances defined in the specification, e.g., using a Markush Group limitation, this might overcome the 112 rejection.

Upon entry of the present amendment, Claims 1-4, 7, 9, 18, 20, 43 and 45-48 are in the application, of which claims 1, 2, 14, 32, 34, 39, 47 and 48 are independent, and of which claims 12-17, 19, 21-39, 41, 42 and 44 stand withdrawn from consideration as non-elected inventions.

After careful consideration of the objections and rejections set forth in the Office Action, applicant respectfully submits that as amended, claims 1-4, 7, 9, 18, 20, 43 and 45-48 patentably distinguish over the art of record, and requests allowance of said pending claims, as discussed further below.

Amendments Presented

Applicant has herein revised claims 1-4, 7, 9, 18, 20, 43 and 45-48 by changing the term "high polymer organic substance" to --polymer organic substance--. Additionally, claims 47 and 48 are rewritten in independent form, including all of the limitations of the base claims (1 and 2, respectively) from which they formerly depended, and are amended to include "furan resin" in the list of substances.

Applicant respectfully submits that all of the above amendments are fully supported by

the original disclosure, including the discussion at page 12, lines 12-17 and page 17, line 10 - page 18, line 24 of the specification. Applicant further respectfully submits that the above amendments do not add any impermissible new matter to the application.

Claim rejections -- 35 USC 112

Claims 1-4, 7, 9, 18, 20, 43, and 45-48 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In his rejection, the Examiner considers to the term "high polymer organic substance" as a relative term, which renders the claims which include the term indefinite. The Examiner states that the term is not defined by the claim, and the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Still further, the Examiner states that it is unclear if the term is referring to the carbon content, a high boiling temperature, high sintering temperature, or a high thermal decomposition temperature or the "high polymer organic substance. Further, the Examiner states it is unclear what is meant by "high".

Applicant's Response

Applicant has carefully considered the rejection in light of the specification, and respectfully traverses such rejection because the language would be clearly understood by persons skilled in the art when considered in light of the corresponding disclosure presented throughout applicant's specification. For example, applicant respectfully submits that an appropriate standard is presented for the term "high polymer organic substance", e.g., at page 12 lines 12-18 and at page 16, lines 25-29, setting forth a group of polymer organic substances

which are encompassed by the language; at page 16, line 29 – page 17, line 3, it is discussed that with the high polymer organic substance of the invention, the carbon content mainly functions as the sintering aid, and to improve the efficiency as the sintering aid, a substance with a high carbon content such as a phenol resin or a furan resin (two of the group of substances) is desirable; and at pages 25-34 nine specific examples of the invention are presented. While the standard provided may be considered to be broad in scope, it is nonetheless a standard and meets the definiteness requirement of 35 USC 112, second paragraph. The courts have long held that an applicant is free to broadly define a claimed invention, without the claim becoming indefinite.

Although applicant respectfully traverses the Examiner's rejection as discussed above, in an effort to expedite prosecution of the present application, applicant has amended the claims by changing the term "high polymer organic substance" to "polymer organic substance", thereby eliminating the relative term "high."

Also, claims 47-48 have been rewritten in independent form, such that the term "polymer organic substance" in each of the claims is further defined to be selected from the group consisting essentially of epoxy resin, polyurethane resin, diallyl phthalate resin, polyethylene resin, polycarbonate resin, fluorocarbon resin, polypropylene resin, urea resin, melamine resin, polyester resin, styrol resin, acrylic resin, polyacetal resin, polyvinyl acetate resin, phenol resin, polyamide resin, vinyl chloride resin, cellulose resin, and saccharides.

Therefore, in light of the above amendment to claims 1, 2, 3, 9, 13, 14, 16, 18, 42, 47, and 48, applicant respectfully submits that the rejection is overcome and the claims of the present invention are adequately definite within the guidelines of 35 USC 112, second paragraph..

Based on the foregoing, the rejection of claims 1-4, 7, 9, 18, 20, 43 and 45-48 as being indefinite is believed to be overcome, and it is respectfully requested that the rejection be reconsidered and withdrawn.

The additional reference cited by the Examiner on form PTO-892 attached to the Office Action, Jang et al., has been considered by applicant. It is respectfully submitted, however, that each of claims 1-4, 7, 9, 18, 20, 43 and 45-48 is clearly patentably distinct over all the references of record, whether considered singly or in combination.

Conclusion

Based on all of the foregoing, applicant respectfully submits that the rejection set forth in the Office Action is overcome, and that as presently amended, all of claims 1-4, 7, 9, 18, 20, 43 and 45-48 are believed to be allowable over all of the references of record, whether considered singly or in combination.

Applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims. The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

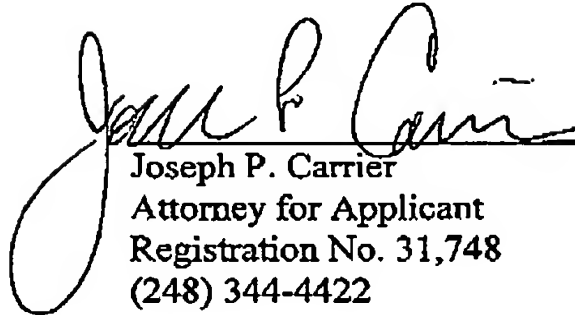
If the Examiner is not fully convinced of all of the claims now in the application, applicant respectfully requests that the Examiner telephonically contact applicant's undersigned representative to expeditiously resolve prosecution of the application.

The Commissioner is hereby authorized to charge \$200.00 to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. in payment of the fee for presentation of an 8th independent claims. A duplicate copy of this sheet is attached.

Favorable consideration is respectfully requested.

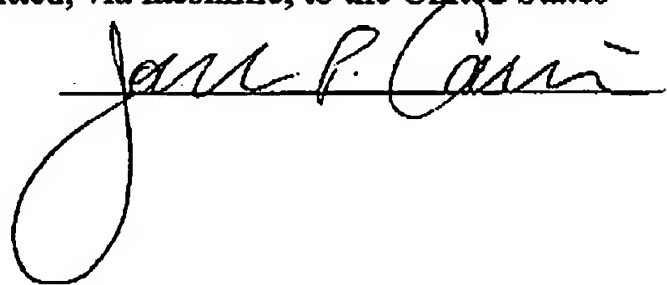
Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to the United States Patent and Trademark Office on October 3, 2005.



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John P. Carr
Oct 3, 05
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